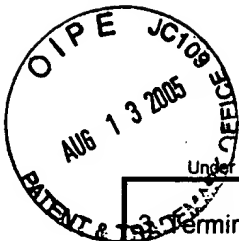




***If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.***




Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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\_\_\_\_\_  
Signature

06/29/2005

Date

\_\_\_\_\_  
Christian S. Rode  
Typed or printed name

Registration Number, if applicable

\_\_\_\_\_  
2412 Stearns Hill Rd.  
Address

\_\_\_\_\_  
781-899-4322  
Telephone Number

\_\_\_\_\_  
Waltham, MA 02451  
Address

- Enclosures: ☒ Fee Payment  
☒ Reply  
☐ Terminal Disclaimer Form  
☒ Additional sheets containing statements establishing unintentional delay  
☐ Other: \_\_\_\_\_

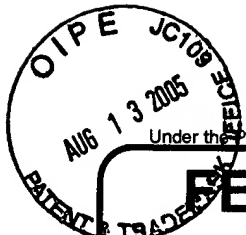
## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature\_\_\_\_\_  
Typed or printed name of person signing certificate

COPY OF ORIGINAL



# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **90**

## Complete if Known

Application Number **09/756,157**  
Filing Date **06 JANUARY 2001**  
First Named Inventor **RODE; CHRISTIAN S.**  
Examiner Name **THOMAS K. PHAM**  
Art Unit **2121**  
Attorney Docket No. **RC1003V2R**

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims  -20\*\* =  X  =   
Independent Claims  -3\*\* =  X  =   
Multiple Dependent  =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **90**

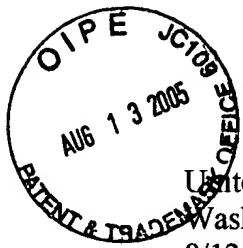
## SUBMITTED BY

Name (Print/Type) **CHRISTIAN S. RODE** Registration No. \_\_\_\_\_ Telephone **781 899 4322**  
Signature **[Signature]** (Attorney/Agent) \_\_\_\_\_ Date **8/12/2005**

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.  
**SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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United States Patent and Trademark Office  
Washington, D.C. 20231  
8/12/2005

### **Renewed Petition Under 37 CFR 1.137(b)**

Dear Sir / Madam:

This letter is in response to a Decision on Petition Under 37 CFR 1.137(b) (attached), which was in response to a Petition for Revival of Application for Patent Abandoned Unintentionally (also attached), appl. no. 09/756,147, filed 06 January 2001, docket RCI003V2R.

This petition was dismissed in part (2) due to the fact that the received petition fee was only \$660, \$90 short of the current fee of \$750. Therefore a check for \$90 is enclosed.

The petition was also dismissed in part (1) due to alleged non-receipt of the issuance fee. Two checks were indeed enclosed with the petition, check #1833 was the issuance for \$1000 and check #1834 was the petition for \$660. It is my understanding that both checks have now been located and only the \$90 remains in arrears.

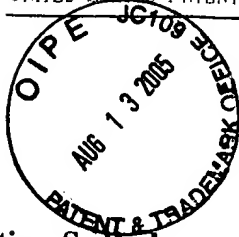
It is hereby respectfully requested that the petition be reconsidered.

Sincerely,

Christian S. Rode  
Applicant, PRO-SE  
Rode Consulting, Inc.  
2412 Stearns Hill Rd.  
Waltham, MA 02451  
Tel. 781-899-4322



UNITED STATES PATENT AND TRADEMARK OFFICE



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Christian S. Rode  
c/o RODE CONSULTING, INC.  
2412 Stearns Hill Road  
Waltham, Massachusetts 02451

**COPY MAILED**

**AUG 04 2005**

**OFFICE OF PETITIONS**

In re Application of  
Christian Stig Rode  
Application No.: 09/756,157  
Filing Date: 06 January 2001  
Attorney Docket No.: RCI003V2R

DECISION ON  
PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed 30 June 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance mailed 15 March 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on 16 June 2005.

The present petition does not satisfy the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the Issue Fee and Publication Fee under 37 CFR 1.18(a) and 1.18(d), and (2) the full petition fee of \$750.00 for a small entity under 37 CFR 1.17(m) have not been received. Accordingly, the application remains **ABANDONED**.

Telephone inquiries concerning this decision should be directed to Nguyen Ngoc-Ho at (571) 272-3290.

*Wan Laymon*  
Wan Laymon  
Petitions Examiner  
Office of Petitions

Application No. 09/756,157

Page 2

Office of the Deputy Commissioner  
for Patent Examination Policy  
NNH/WL:hn